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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT CALIFORNIA OF SAN FRANCISCO DIVISION**

In re:  
PG&E CORPORATION  
-and-  
PACIFIC GAS AND ELECTRIC  
COMPANY,  
☐ Affects PG&E Corporation  
☐ Affects Pacific Gas and Electric Company  
☒ Affects both Debtors

Case No.: 19-30088 (DM)

Chapter 11  
(lead case)  
(jointly administered)

**MOTION TO ALLOW/DEEM  
TIMELY LATE FILING OF  
PROOF OF CLAIM BY ROSLYN  
MAIER, MEMORANDUM OF  
POINTS AND AUTHORITIES;  
DECLARATION OF REGINA  
BAGDASARIAN IN SUPPORT**

**Date:** TBD  
**Time:** TBD  
**Place:** United States Bankruptcy Court  
Courtroom 16, 17<sup>th</sup> Floor  
San Francisco, CA 94102

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1 TO THE HONORABLE DENNIS MONTALI, UNITED STATES BANKRUPTCY COURT  
2 JUDGE, THE OFFICE OF THE UNITED STATES TRUSTEE, AND ALL INTERESTED  
3 PARTIES:

4 Frantz Law Group, APLC represents thousands of victims of the Fires started by PG&E  
5 in 2017 (generally referred to as the “North Bay Fires”), 2018 (“Camp Fire”) and 2019  
6 (“Kincade Fire”). Frantz Law Group, APLC respectfully files this motion on behalf of Erik J.  
7 Lambert (“Movant”) to deem timely late filing of proofs of claims (“Motion”).

8 **I. SUMMARY OF ARGUMENT**

9 A proof of claim may be deemed timely upon a showing of excusable neglect and lack of  
10 prejudice. In this case, due to a variety of stressors arising from the Camp Fire, as well as a  
11 misunderstanding as to the legitimacy of her claims, Movant was unable to timely file her proof  
12 of claim. Because there is no danger of prejudice to the Debtors as Debtors’ estates are solvent,  
13 and all creditors stand to be paid, the Motion should be granted to allow these survivors to have  
14 their claim deemed timely. This Court must determine whether to grant the Motion.

15 **II. FACTUAL BACKGROUND**

16 Movant, Roslyn Maier, is a wildfire victim. Movant was left homeless due to the fire.  
17 Movant was fortunate enough to not have her home be a total burn down, but unfortunately, her  
18 landlord terminated her lease. Movant was displaced for five months as a result of the fire while  
19 her residence was being cleaned and prepared for renting. After her displacement, Movant  
20 suffered severe PTSD when she finally was able to return to Paradise. Movant would drive  
21 through her town and see the devastation and the torn down homes. Movant felt that since she  
22 did not physically lose her house like those around her, she did not have a valid claim.

23 Movant felt immense pressure to reestablish her life after the fire and had a  
24 misunderstanding of the legitimacy of her claims. Movant also had to follow steps to back out of  
25 the home she was in escrow to purchase at the time of the fire. Frantz Law Group did not become  
26 aware of Movants’ claims until after the relevant bar dates. As such, there was no timely proof of  
27 claim filed on behalf of the Movant.  
28

1 Accordingly, FLG filed a claim on behalf of Movants. A true and correct copy of the  
2 Subject Proof of Claim is attached to the Declaration as Exhibit "1."

### 3 III. LEGAL ARGUMENT

4 In Chapter 11 proceedings, bankruptcy courts have broad discretion to accept late filings,  
5 including proofs of claim, where tardiness is the consequence of "excusable neglect." Fed. R.  
6 Bank. Pro. 9006(b)(1). This standard is "flexible," and permits the Court to allow "late filings  
7 caused by inadvertence, mistake, or carelessness, as well as by intervening circumstances beyond  
8 the party's control." *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380, 389  
9 (1993). Where the party's delay is caused by overwhelming personal distress, a late filing may  
10 be allowed on grounds of excusable neglect. See e.g., *In re Nw. Territorial Mint, LLC*, No. AP  
11 16 1217-CMA, 2018 WL 6187762, at \*5 (B.A.P. 9th Cir. Nov. 27, 2018) ("Excusable neglect  
12 can include sudden death, disability or illness of counsel, a close family member of counsel, or .  
13 . . the party."); *In re Schultz*, 254 B.R. 149, 154 (B.A.P. 6th Cir. 2000) (same); *TCI Group Life*  
14 *Ins. Plan v. Knoebber*, 244 F.3d 691, 699 (9th Cir. 2001) (excusable neglect where party was  
15 experiencing extreme personal difficulties and was "distraught") (overruled on other grounds);  
16 *Comm. for Idaho's High Desert, Inc. v. Yost*, 92 F.3d 814, 824 (9th Cir. 1996) (holding that  
17 "compelling circumstances" in one's personal life may constitute excusable neglect).  
18

19 The test for excusable neglect is "at bottom an equitable [inquiry]." *Pioneer Inv. Servs.*  
20 *Co.*, 507 U.S. at 395. Courts in the Ninth Circuit generally examine four (4) factors in their  
21 analysis: (i) the danger of prejudice to the non-movant, (ii) the length of delay and its potential  
22 impact on the judicial proceedings, (iii) the reason for the delay, and (iv) whether the movant  
23 acted in good faith. See *id.* Each of these four factors weighs heavily in favor of Roslyn Maier.  
24 Accordingly, their late proof of claims should be deemed timely.

25 In our present case, there will be no prejudice to PG&E by the Movant's claim. The value  
26 of the Movants claim is marginal relative to the Debtors' estates and the allowance of those  
27 claims will not disrupt the reorganization or distribution process. Debtors' estates are solvent,  
28

1 and all creditors stand to be paid. See, e.g., *In re Best Payphones, Inc.*, 523 B.R. 54, 75-6 (Bankr.  
2 S.D.N.Y. 2015) and *In re Sheehan Mem'l Hosp.*, 507 B.R. 802, 803 (Bankr. W.D.N.Y. 2014)  
3 (where the chapter 11 estate is solvent, “the proper remedy for a late filing is not the  
4 expungement of a claim, but its allowance as a tardily filed claim only.).

5 Second, despite the late filing, the Movant’s claim will have essentially zero impact on  
6 the judicial proceedings and will not change PG&E’s reorganization process. There are tens of  
7 thousands of similarly situated claimants as the Movant, whose claims will be placed among  
8 them, resulting in no noticeable impact upon the distribution process. See e.g., *In re Dix*, 95 B.R.  
9 134, 138 (B.A.P. 9th Cir. 1988) (allowing proof of claim filed two-years late because “there is  
10 no indication [of] a negative impact on efficient court administration”); *In re Earth Rock, Inc.*,  
11 153 B.R. at 63 (finding excusable neglect where eight-month delay would not impact  
12 reorganization proceedings).

13 Third, the factual circumstances in the Movant’s claim warrants excusable neglect. As  
14 explained thoroughly above, the Movant was unaware that she could file a claim since she is a  
15 renter and her building did not completely burn down. After realizing the legitimacy of her  
16 claims, Movant contacted Frantz Law Group, APLC to evaluate her claim. During the normal  
17 course of due diligence, Frantz Law Group, APLC inquired about possible damages from the  
18 2018 Camp Fire.

19 Movant also suffers from post-traumatic stress disorder as a result of the fire. Post-  
20 traumatic stress disorder symptoms may start within one month of a traumatic event, but  
21 sometimes symptoms may not appear until years after the event.<sup>1</sup> These symptoms cause  
22 significant problems in social or work situations and in relationships.<sup>2</sup> They can also interfere  
23 with a person’s ability to go about their normal daily tasks.<sup>3</sup>

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26  
27 <sup>1</sup> Post-traumatic stress disorder (PTSD) - Symptoms and causes, Mayo Clinic (July 6, 2018),  
[www.mayoclinic.org/diseases-conditions/post-traumatic-stress-disorder/symptoms-causes/syc-20355967](http://www.mayoclinic.org/diseases-conditions/post-traumatic-stress-disorder/symptoms-causes/syc-20355967).

28 <sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*



1 PTSD symptoms can vary in intensity over time. Someone may have more PTSD  
2 symptoms when they are generally stressed, or when they come across reminders of a traumatic  
3 event they experienced.<sup>4</sup> In terms of wildfire victims, many feel stress, anxiety, and panic when  
4 they smell even the slightest smoke, because it triggers a traumatic memory of their experience.  
5 Some even wake up multiple times at night to make sure there is not a fire nearby.  
6

7 Another common symptom of PTSD is avoiding things that remind someone of the event.

8 <sup>5</sup> For wildfire victims, this can include putting off filing a lawsuit to try to move on from the  
9 traumatic event. Unfortunately, for these types of wildfire victims, years later, they come to the  
10 realization that it is not possible to simply start over after the fire. In this case, Movant suffered  
11 from severe PTSD, as she travels the road she used to evacuate on daily to commute to work.  
12 Each day she is reminded of the terror she felt fleeing the fire. Many wildfire victims have lost  
13 their homes, everything they own, their jobs, and their community. With a limited or no income  
14 at all, most wildfire victims are unable to rebuild and move on as they were trying to do. Here,  
15 movant was in escrow on a single family home. After the home she was purchasing was  
16 destroyed in the fire, Movant was forced to continue renting because she could no longer afford a  
17 single family home.  
18  
19

20 As a result, due to excusable unawareness, the Movant did not timely file a proof of claim  
21 for their 2018 damages until after the bar date. See e.g., *Comm. for Idaho's High Desert, Inc. v.*  
22 *Yost*, 92 F.3d 814, 824 (9th Cir. 1996) (“compelling circumstances” in one’s personal life may  
23 constitute excusable neglect).  
24

25 Ultimately, the Movant’s claim was made in good faith. Movant struggled mentally,  
26 financially and emotionally after the fire. Movant was overwhelmed and trying to recuperate  
27

28 <sup>4</sup> *Ibid.*

<sup>5</sup> [About Face booklet \(va.gov\)](https://www.va.gov/about-face)

1 financially and emotionally. Due to a misunderstanding of the legitimacy of his claims, Movant  
2 did not file a claim in time.

3 **IV. CONCLUSION**

4 For the foregoing reasons, this Motion should be granted, and Roslyn Maier's claim  
5 should be deemed timely.

6  
7  
8 Dated: March 15, 2022

By: /s/ James P. Frantz  
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**Declaration of Regina Bagdasarian**

I, Regina Bagdasarian, declare as follows:

1. I am an individual over 18 years of age and competent to make this Declaration.
2. If called upon to testify, I could and would competently testify as to the facts set forth in this Declaration. The facts set forth below are true based on my personal knowledge or through information obtained my staff.
3. I am an attorney of the law firm Frantz Law Group, APLC and I make this declaration in support of the Motion to Allow/Deem Timely Late Filing of Proof of Claim.
4. Creditor Roslyn Maier is a survivor of the Camp Fire that occurred in 2018.
5. Roslyn Maier resided at 5507 Schmale Lane Paradise, CA 95969.
6. Roslyn Maier was misinformed about the legitimacy of his claims.
7. On November 22, 2021, Roslyn Maier retained FLG.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 15, 2022.

/s/

Regina Bagdasarian

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/s/   
Regina Bagdasarian